REMARKS

Claims 1-26 are pending in the application. Claims 1-18 have been elected without traverse. Claims 1-18 have been rejected. Claims 1, 5-13, 15, and 17 have been amended. Claim 2 has been cancelled.

Claims 1-18 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Locascio et al. (U.S. Patent No. 5,402,491). Applicants respectfully traverse the rejection.

It is submitted that the present claim amendment renders the present rejection moot.

Claim 1 of the Applicants' claimed invention recites, *inter alia*, wherein encrypted traffic includes additional headers used to synchronize an encryption/decryption process; accommodate late synchronization; confirm that a sender and receiver are using identical traffic encryption keys; and if the communication device receives media traffic that is not encrypted on a net for which it is configured to encrypt or if the traffic is not decrypted correctly, the communication device signals an alert and mutes traffic.

This is in contrast to Locascio et al. (U.S. Patent No. 5,402,491) which discloses a method for providing limited secure services in secure trunking communication systems.

Locascio et al. discloses a system where a secure trunking communication system : a) determining, by the central controller and the limited number of console interface units, that the central controller is not operably coupled to the limited number of console interface units; b) transmitting, by the central controller, a limited secure service message to the plurality of communication units; c) upon receiving the limited secure service message, loading, by each of the plurality of communication units, at least one limited service key into a communication unit encryption/decryption device; d) loading, within each of the limited number of console interface units, the at least one limited service key into a console interface unit encryption/decryption device;

9

e) utilizing the at least one limited service key by the plurality of communication units and the limited number of console interface units until the central controller is operably coupled to the limited number of console interface units.

The Applicants would also like the Examiner to note that in the Applicants' claimed invention, when the encryption is properly setup and the encryption keys are exchanged, then all subsequent communication is sent securely (see amended claim 1).

In the Applicants' claimed invention, there is also a synchronization of the encryption/decryption process; an accommodation of late synchronization; and a confirmation that a sender and receiver are using identical traffic encryption keys and support secure communications.

The Applicants respectfully submit that Locascio et al. fails to teach at least the features of synchronization, accommodation and confirmation as claimed by the Applicants. Also, Locascio et al. fails to use headers to accomplish the operations claimed by the Applicants.

This is also in contrast to Locascio et al. where limited secure service is provided during periods of limited service or failsoft operations (Abstract). Furthermore, in col. 4, lines 33 to 53, Locascio et al. discloses "the central controller (108) transmits a limited secure service message." Upon receiving the limited secure service message, "each communication unit (111-113) loads at least one limited service key (202) into a communication unit encryption/decryption device (117 and 119)." Again, the focus of Locascio et al. is during limited service or failsoft operations and the support of limited secure service message.

Therefore, for at least these reasons it is respectfully submitted that the rejection be withdrawn and that claim 1 be allowed.

10

Claims 7, 10 and 13 are independent claims that have been amended in a similar manner to amended independent claim 1 and recite related subject matter to claim 1and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features found in claim 1.

Dependent claims 3-6, 8-9, 11-12 and 14-18 are dependent claims that depend upon respective independent claims 1, 7, 10 and 13 and should be allowed for at least the same reasons presented above regarding the independent claims as well as the additionally recited features found in these claims.

11

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: December 12, 2005   By: _____

John L. Ciccozzi
Reg. No. 48,984
(858) 845-2611

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502

(AMENDMENTFORM.VER1.0-07/30/03)